

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

NOTICE OF MOTION

v.

Case No: 20-cr-00195(JLS)(JJM)

DAVID RUBEL,
Defendants.

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit Herbert L. Greenman, Esq., the undersigned moves this Court for an Order adjourning the change of plea date scheduled for Friday, April 8, 2022 and further excluding the speedy trial time for an additional 45 days for reasons set forth in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may deem just and proper.

DATED: Buffalo, New York
April 7, 2022

Respectfully submitted,

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.
LIPSITZ GREEN SCIME
CAMBRIA, LLP
Counsel for Defendant
DAVID RUBEL
42 Delaware Avenue
Buffalo, New York 14202
(716) 849-1333
hgreenman@lglaw.com

TO: LAURA HIGGINS, ESQ.
ASSISTANT UNITED STATES ATTORNEY
138 Delaware Ave.
Buffalo, NY 14202

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

v.

DAVID RUBEL

Defendants.

AFFIDAVIT
Case #20-cr-00195(JLS)(JJM)

STATE OF NEW YORK)
COUNTY OF ERIE SS:
CITY OF BUFFALO)

HERBERT L. GREENMAN, Esq. being duly sworn deposes and says:

1. I am an attorney for the defendant David Rubel.
2. Mr. Rubel was scheduled for a change of plea proceeding before United States District Judge John L. Sinatra for April 8, 2022.
3. For personal reasons, I requested an adjournment of the change of plea proceedings.
4. I am respectfully requesting that the matter be scheduled within the next 45 days.
5. Additionally, the parties agree that the speedy trial time should be excluded on the basis that the interest of the defendant and the community in a speedy disposition of this case is outweighed by this request.
6. Assistant United States Attorney Laura Higgins advises that she has no objection to this request.

WHEREFORE, your deponent prays that this Court issue an Order accordingly.

DATED: April 7, 2022
Buffalo, New York

Respectfully submitted,

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.
LIPSITZ GREEN SCIME CAMBRIA, LLP
42 Delaware Avenue, Suite 300
Buffalo, NY 14202
Phone (716) 849-1333
Fax (716) 855-1580
hgreenman@lglaw.com

Sworn to before me this 7th day
of April, 2022

/s/Elizabeth M. Jagord-Ward

Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 31, 2022